

we are working to achieve that goal. That being said, in a time of budgetary constraints, I find it unconscionable that a Member of Congress would not vote to restrict such egregious spending and vote to promote our rural communities. I urge my colleagues to support this amendment.

Mr. COCHRAN. Mr. President, first I want to thank the chairman of the committee, the distinguished Senator from Iowa, Mr. HARKIN and the distinguished ranking member, the Senator from Georgia, Mr. CHAMBLISS, for their leadership during the debate of this farm bill.

I commend them for their response to the needs and interests of our Nation's farmers and ranchers. In my State, most of our farmers are deeply concerned about the amendment offered by Senator GRASSLEY and Senator DORGAN. If it is approved it will adversely affect family farms in many States by eliminating the ability to receive financing and making it harder for farmers from efficiently marketing their crop.

Since the passage of the 2002 farm bill there has been a good bit of controversy surrounding the issue of payment limits. Much of this has been based on misinformation and is a result of misunderstanding of modern agricultural practices. While I am pleased that the legislation passed by the committee contains significant reforms to address the concerns raised over the past 6 years, these reforms are not easy for producers in my State of Mississippi to accept and will result in many farms having to significantly alter their farming operation.

I believe it is important for us to understand just how significant the reforms in the committee passed bill are. This legislation applies direct attribution to the individual farmer, thus making all farm payments transparent. The committee passed legislation would limit the direct payment a single producer can receive to \$40,000. The legislation reduces the amount of a countercyclical payment to \$60,000. In addition, the Senate language reduces the adjusted gross income means test for producers from \$2.5 million to \$750,000. While this may still sound like a lot of money, when you consider production costs such as a four-hundred thousand dollar cotton picker, fuel prices, fertilizer costs, and technology fees for seed, these support levels are quite low.

Many crops of the Midwest are enjoying record prices right now due mostly to the use of corn in the current ethanol boom. The most prevalent crops in the South, cotton and rice, are not seeing the record prices created by renewable fuel incentives and tax credit subsidies; and it is important to point out that none of these subsidies are subject to an arbitrary limit.

Mr. President, this amendment would have a very negative impact on the livelihood of thousands of farmers. It would undo what many farmers today

and generations before them have established through hard work, surviving natural disasters, and the Great Depression. This amendment is an attempt to make farmers in my State to conform to the way others operate in very different regions of the country. Mr. President, not every farmer should be made to fit in the same mold. I urge the Senate to reject the Grassley-Dorgan amendment.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment No. 3695, the Dorgan-Grassley payment limit amendment.

The majority leader is recognized.

Mr. REID. Mr. President, it is my understanding that there is a unanimous consent order in the Senate that prior to the next vote, Senator MCCONNELL and I would be recognized; is that true?

The PRESIDING OFFICER. The leader is correct.

Mr. DORGAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be. The yeas and nays are ordered. The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the chamber desiring to vote?

The result was announced — yeas 56, nays 43, as follows:

[Rollcall Vote No. 424 Leg.]

YEAS—56

Akaka	Ensign	Murray
Allard	Enzi	Nelson (FL)
Barrasso	Feingold	Nelson (NE)
Bayh	Feinstein	Obama
Biden	Grassley	Reed
Bingaman	Hagel	Reid
Boxer	Harkin	Sanders
Brown	Hatch	Schumer
Brownback	Johnson	Smith
Byrd	Kennedy	Specter
Cantwell	Kerry	Stevens
Cardin	Klobuchar	Sununu
Carper	Kohl	Tester
Casey	Lautenberg	Thune
Clinton	Levin	Warner
Collins	Lugar	Webb
Dodd	Menendez	Whitehouse
Dorgan	Mikulski	Wyden
Durbin	Murkowski	

NAYS—43

Alexander	DeMint	Martinez
Baucus	Dole	McCaskill
Bennett	Domenici	McConnell
Bond	Graham	Pryor
Bunning	Gregg	Roberts
Burr	Hutchison	Rockefeller
Chambliss	Inhofe	Salazar
Coburn	Inouye	Sessions
Cochran	Isakson	Shelby
Coleman	Kyl	Snowe
Conrad	Landrieu	Stabenow
Corker	Leahy	Vitter
Cornyn	Lieberman	Voinovich
Craig	Lincoln	
Crapo	Lott	

NOT VOTING—1

McCain

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

# RENEWABLE FUELS, CONSUMER PROTECTION, AND ENERGY EFFICIENCY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, each leader is permitted to use leader time prior to a vote on the motion to invoke cloture with respect to H.R. 6.

## NHTSA REGULATIONS ON FUEL ECONOMY

Mr. LEVIN. Mr. President, I support this bill and, in particular, the provisions that require the Department of Transportation, through the National Highway Traffic Safety Administration, NHTSA, to set new fuel economy standards for vehicles that will reach an industry fleet wide level of 35 miles per gallon by 2020 based on my understanding that these new Federal standards will not be undercut in the future by regulations issued by the Environmental Protection Agency regulating greenhouse gas emissions from vehicles.

I believe that we have taken historic steps in this legislation by putting in place ambitious but achievable fuel economy standards that will reduce our Nation's fuel consumption and greenhouse gas emissions. In this legislation, the Senate and House have come together and established the appropriate level of fuel economy standards and have directed NHTSA to implement that through new regulations. In this legislation, the Congress has agreed that the appropriate level of fuel economy to reach is 35 miles per gallon in 2020, or an increase of 10 miles per gallon in 10 years.

But it is essential to manufacturers that they are able to plan on the 35 miles per gallon standard in 2020. We must resolve now with the sponsors of this legislation in the Senate any ambiguity that could arise in the future when EPA issues new rules to regulate greenhouse gas emissions from vehicles pursuant to its authority under the Clean Air Act so that our manufacturers can have certainty. With that in mind, I want to clarify both Senator INOUE's and Senator FEINSTEIN's understanding and interpretation of what the Congress is doing in this legislation and to clarify their agreement that we want all Federal regulations in this area to be consistent. We do not want to enact this legislation today only to find later that we have not been sufficiently diligent to avoid any conflicts in the future.

The Environmental Protection Agency has authority under the Clean Air Act to regulate greenhouse gas emissions from vehicles and to delegate that authority, as the agency deems appropriate, to the State of California. This authority was recently upheld by the U.S. Supreme Court, and it is not our purpose today to attempt to change that authority or to undercut

the decision of the Supreme Court. We simply want to make clear that it is Congressional intent in this bill that, with respect to regulation of greenhouse gas emissions, any future regulations issued by the Environmental Protection Agency to regulate greenhouse gas emissions from vehicles be consistent with the Department of Transportation's new fuel economy regulations that will reach an industry fleet wide level by 35 miles per gallon by 2020.

Does the Senator from California and original sponsor of this legislation, Mrs. FEINSTEIN, agree with my view that the intent of this language is for EPA regulations on greenhouse gas emissions from vehicles to be consistent with the direction of Congress in this 35 miles per gallon in 2020 legislation and consistent with regulations issued by the Department of Transportation to implement this legislation?

Mrs. FEINSTEIN. Yes, of course, we have worked hard to come together on this legislation directing NHTSA to issue new fuel economy regulations to reach an industry fleet wide level of 35 miles per gallon by 2020, and it is our intent in the bill before us that all Federal regulations in this area be consistent with our 35 miles per gallon in 2020 language.

Mr. LEVIN. I thank the Senator for her clarification of her intent.

Does the chairman of the Commerce Committee, the distinguished Senator from Hawaii, Mr. INOUE, agree with my understanding of the intent of this bill that any regulations issued by the Environmental Protection Agency be consistent with the direction of Congress in this legislation and regulations issued by the Department of Transportation to implement this legislation?

Mr. INOUE. Yes. I agree that it is very important that all Federal regulations in this area be consistent and that we provide clear direction to the agency that has responsibility for setting fuel economy standards, the Department of Transportation.

Mr. LEVIN. I thank my distinguished colleague from Hawaii, Mr. INOUE, for his clarification.

#### AGENCY MANAGEMENT

Mr. INOUE. Mr. President, I have worked for many months with the Senior Senator from California and the original sponsor of this legislation, Mrs. FEINSTEIN, to draft a sound policy to increase fuel economy standards in our country. I stated earlier today that "all Federal regulations in this area be consistent." I wholly agree with that notion, in that these agencies have two different missions. The Department of Transportation has the responsibility for regulating fuel economy, and should enforce the Ten-in Ten Fuel Economy Act fully and vigorously to save oil in the automobile fleet. The Environmental Protection Agency has the responsibility to protect public health. These two missions can and should co-exist without one under-

mining the other. There are numerous examples in the executive branch where two or more agencies share responsibility over a particular issue. The Federal Trade Commission and the Federal Communications Commission both oversee telemarketing practices and the Do-Not-Call list.

The FTC also shares jurisdiction over antitrust enforcement with the Department of Justice. Under the current CAFE system, the Department of Transportation and the Environmental Protection Agency work together. DOT enforces the CAFE standards, and the EPA tests vehicles for compliance and fuel economy labels on cars. The President himself foresaw these agencies working together and issued an Executive Order on May 14, 2007, to coordinate the agencies on reducing automotive greenhouse gas emissions. The DOT and the EPA have separate missions that should be executed fully and responsibly. I believe it is important that we ensure that the agencies are properly managed by the executive branch, as has been done with several agencies with shared jurisdiction for decades. I plan on holding hearings next session to examine this issue fully.

Mrs. FEINSTEIN. I would like to thank the chairman of the Commerce Committee, and I would like to clarify what I believe to be the intent of the legislation I sponsored to increase fuel economy standards in the United States.

The legislation increasing the fuel economy standards of vehicles by 10 miles per gallon over 10 years does not impact the authority to regulate tailpipe emissions of the EPA, California, or other States, under the Clean Air Act.

The intent was to give NHTSA the ability to regulate fuel efficiency standards of vehicles, and increase the fleetwide average to at least 35 miles per gallon by 2020.

There was no intent in any way, shape, or form to negatively affect, or otherwise restrain, California or any other State's existing or future tailpipe emissions laws, or any future EPA authority on tailpipe emissions.

The two issues are separate and distinct.

As the Supreme Court correctly observed in *Massachusetts v. EPA*, the fact "that DOT sets mileage standards in no way licenses EPA to shirk its environmental responsibilities. EPA has been charged with protecting the public's health and welfare, a statutory obligation wholly independent of DOT's mandate to promote energy efficiency. The two obligations may overlap, but there is no reason to think the two agencies cannot both administer their obligations and yet avoid inconsistency."

I agree with the Supreme Court's view of consistency. There is no reason to think the two agencies cannot both administer their obligations and yet avoid inconsistency.

The U.S. District Court for the Eastern District of California in *Central Valley Chrysler-Jeep v. Goldstone* has reiterated this point in finding that if approved by EPA, California's standards are not preempted by the Energy Policy Conservation Act.

Title I of the Energy Security and Independence Act of 2007, H.R. 6, provides clear direction to the Department of Transportation, in consultation with the Department of Energy and the Environmental Protection Agency, to raise fuel economy standards.

By taking this action, Congress is continuing DOT's existing authority to set vehicle fuel economy standards. Importantly, the separate authority and responsibility of the U.S. Environmental Protection Agency to regulate vehicle greenhouse gas emissions under the Clean Air Act is in no manner affected by this legislation as plainly provided for in section 3 of the bill addressing the relationship of H.R. 6 to other laws.

I fought for section 3. I have resisted all efforts to add legislative language requiring "harmonization" of these EPA and NHTSA standards. This language could have required that EPA standards adopted under section 202 of the Clean Air Act reduce only the air pollution emissions that would already result from NHTSA fuel economy standards, effectively making the NHTSA fuel economy standards a national ceiling for the reduction of pollution. Our legislation does not establish a NHTSA ceiling. It does not mention the Clean Air Act, so we certainly do not intend to strip EPA of its wholly separate mandate to protect the public health and welfare from air pollution.

To be clear, Federal standards can avoid inconsistency according to the Supreme Court, while still fulfilling their separate mandates.

#### ENERGY SAVINGS

Mr. KOHL. Mr. President, I rise today to talk to the chairman of the Energy and Natural Resources Committee about energy savings in Federal buildings in H.R. 6, the Energy Independence and Security Act of 2007.

Along with Senators FEINGOLD, BURR, and CORKER, I offered an amendment to H.R. 6 that would require the Federal Government to procure the most energy-efficient commercial water heating systems in new or renovated Federal buildings. This language was not incorporated into the final version of the legislation we will be voting on today.

I would ask Chairman BINGAMAN if the energy savings in the Federal building sections of H.R. 6 apply to all building systems and technologies, not just lighting?

Mr. BINGAMAN. I thank the Senator for his question. The Energy Independence and Security Act of 2007 requires Federal agencies to reduce their energy consumption by 30 percent by 2015 and includes provisions requiring new and renovated buildings to adopt energy efficient systems and technologies in

order to reduce fossil fuel consumption. Federal leadership in building performance and procurement standards in our Federal facilities and in commercial buildings generally is critically important in achieving our energy conservation goals. The energy savings requirements for our Nation's Federal facilities incorporated in the Energy Independence and Security Act of 2007 are intended to apply to all building systems and technologies.

Mr KOHL. I would like to thank the chairman for all of his help on this issue. Chairman BINGAMAN's leadership on energy efficiency and this Energy bill has been invaluable.

Mr. BAUCUS. Mr. President, they say that ADM William "Bull" Halsey, who commanded the Pacific Fleet in World War II, once said:

There aren't any great men. There are just great challenges that ordinary men like you and me are forced by circumstances to meet.

Today, the circumstances around energy policy provide us another set of challenges. Today, we will see whether we can rise to meet them.

Prices for gasoline, heating oil, electricity, and natural gas have accelerated upward. Since the Senate last considered energy tax legislation in June, oil prices have soared by \$30 a barrel. Energy costs have hit working families particularly hard.

Nearly every week, the news reminds us of the fragility of our energy supply, whether it is trouble in South America or Africa or in the Middle East.

As well, people have increasingly acknowledged the challenge presented by the link between energy use and global warming.

To help address these challenges, I am pleased that the Senate will vote today on energy tax incentives designed to promote clean and sustainable energy.

Energy tax policy is not new territory for the Finance Committee. In 2005, the committee designed tax incentives for that year's major Energy bill. And last December, we enacted energy tax provisions as part of the end-of-the-year package.

We are building on that strong foundation today with additional tax incentives. Most of those incentives were approved by a 19 to 5 vote in the Finance Committee this past June.

We did not get 60 votes on the Senate floor in June. But the energy crisis has not subsided. And so we are back here today with an even stronger package of energy tax incentives.

The energy tax proposal before us today continues our commitment to clean energy and renewable fuels. The amendment extends existing tax incentives for solar power, wind power, fuel cells, and energy-efficient homes and buildings. And we provide more than \$2 billion for renewable energy bonds.

But we need to go further. And we do in this proposal. We advance three areas critical to our nation's energy future: cellulosic ethanol, hybrid cars, and coal sequestration.

Ethanol made from corn has become familiar territory. Now cellulosic ethanol is the new frontier to explore. This bill proposes a production tax credit of up to \$1.00 a gallon for up to 60 million gallons of cellulosic fuel produced from sawgrass, agricultural wastes, and other biomass.

Hybrid cars provide a tremendous opportunity to make our transportation sector cleaner. A high-mileage car with no emissions is territory well worth exploring. Our proposal calls for a new \$3,500 credit for plug-in vehicles.

America has vast reserves of coal. But we have concerns about global warming. It is thus imperative that when we use our coal, we need to try to prevent carbon dioxide from escaping into the atmosphere.

Our proposal would provide tax credits for capturing carbon dioxide emitted from industrial use of coal. The proposal also would provide accelerated depreciation for new dedicated pipelines used to transport CO<sub>2</sub> from an industrial source to a geologic formation for permanent disposal. A proposal to encourage the construction of additional refinery capacity is also included.

We do our work in a fiscally responsible way. Lower budget deficits help to keep interest rates low. That helps to make the economy more competitive. Paying as we go may be a tough task. But the proposal contains offsets that are fair and economically sound.

We propose to simplify and improve the tax code by eliminating the distinction between "foreign oil and gas extraction income" and "foreign oil-related income."

We propose to withdraw the tax breaks under section 199 from the large oil companies. There is strong evidence that the boost from section 199 that the Senate envisioned when we enacted the JOBS Act in 2004 has not been realized.

We have heard from the major oil companies. But the majors collected over a half a trillion dollars in profits since 2001, and they are on track to collect up to a trillion dollars in profits over the next 10 years. The Joint Economic Committee has assured us that these provisions will have no effect on consumer prices for gasoline and natural gas in the immediate future.

The proposal before us today drops a severance tax on the production of crude oil and natural gas from the Outer Continental Shelf in the Gulf of Mexico. That severance tax was contained in the Senate Finance Committee-passed bill but is not in the proposal on which we will vote today.

Here is the territory that we are in: Gas prices are well over \$3. The price of a barrel of oil is hovering around \$90 a barrel. And concern about global warming is growing.

If we do not move forward today, Americans will look back and ask who blocked energy legislation. And they will be astonished. They are not going to understand how good policy designed to address one of the greatest

challenges facing our country—some call it a crisis—was blocked by good Senators in December of 2007.

The proposal before us today will address the challenge. It addresses today's energy policy circumstances. So I urge my colleagues to meet the challenge and vote in favor of this sound energy package.

Mr. SPECTER. Mr. President, I seek recognition today to give my reasons for my vote against invoking cloture on H.R. 6, the Energy Independence and Security Act of 2007 which was sent to the Senate from the House of Representatives on December 6, 2007. It is regrettable that certain tactics and maneuvers prevented a formal conference and there was no accommodation for removal of controversial tax provisions which further complicated the negotiations. I am voting against cloture on energy bill, although I support many of the bill's provisions, because key commitments to at least one of my Republican colleagues were reportedly broken. Further, I understand the bill in its present form would likely draw a veto from the President.

I would have preferred a conference report which did not include taxes on the oil and gas industries. Had there been a formal conference, those taxes might well have been left out of the conference report. It has been reported that the oil and gas industries took steps to oppose convening a conference. If so, they bear some responsibility for the inclusion of the taxes which might have been eliminated had there been a conference.

This past summer, I supported the Senate-passed Energy bill, H.R. 6, which would have promoted oil savings by increasing our national average vehicle fuel economy; alleviated dependence on imported oil by increasing requirements for the use of biofuels and advanced biofuels; advanced the prospects for cleanly utilizing our Nation's abundant coal reserves by furthering research, development and demonstration of carbon capture and sequestration technology; and supported a reduction in our demand for energy by creating new efficiency benchmarks for appliances and authorizing research and development grants for more efficient building materials, processes and vehicle technology.

Furthermore, though the Senate did not include a minimum requirement for the amount of electricity generated by renewable sources, I support such a measure as I have done in the past. On June 14, 2007, the Senate voted 56-39 to table an amendment that would have replaced a 15 percent by 2020 renewable energy standard with 20 percent by 2020 using alternative sources including coal and nuclear energy. This amendment was viewed as undermining a "renewable" standard, therefore I opposed the amendment. I am proud that Pennsylvania is leading the way in renewable energy use and development through its Advanced Energy Portfolio

Standard which requires that 18 percent of electricity in the Commonwealth be generated from clean and renewable sources by 2020.

While it would have been preferable for the House and Senate to have been able to work in a bicameral, bipartisan manner to produce legislation that includes both stronger automobile efficiency and a renewable portfolio standard, that clearly did not happen in this instance. Therefore, I face a choice between procedural matters I dislike and policies I support. Many of my colleagues and I will oppose this bill based on the process used by the majority and the inclusion of controversial tax offset provisions. Had there been an opportunity for the two Houses and the two parties to come together, as is the common practice in Congress, to craft this important legislation governing our Nation's energy production and use, I am confident we could have come to consensus on these issues and I still believe this to be the case.

This Nation has many challenges meeting today's energy needs, with the price of oil at \$100 per barrel, OPEC manipulating the oil markets, and concerns related to the environment including climate change, all of which will be directly addressed by this bill's provisions. Too often in this Congress, we are faced with questionable procedures which have led to this situation of rancor and breakdown of the bicameral process. I urge the leaders of both parties and chambers to work together to improve this regrettable legislative environment and produce a bipartisan Energy bill.

Considering the current veto threat over the bill, it is my hope that after this difficult vote we can amicably move forward to work with our colleagues in the House of Representatives and the President to enact these policy measures which are important for the energy future of the United States.

As I stated in my introduction, I am troubled by reports from a Republican colleague that the legislation sent over by the House breached key commitments. It is difficult to know exactly what commitments were made, which were kept, and which may have been broken in multiple conversations with many parties. Therefore, in the interest of comity and improving the legislative process, I feel constrained to cast my vote against moving to this Energy bill, despite provisions I support.

Mr. MCCONNELL. Mr. President, the clock is about to run on the 2007 congressional calendar. Our Democratic colleagues are about to show us once again how we can snatch defeat from the jaws of victory, all because they insist on raising taxes.

This time, the majority was on the verge of a real achievement with a bill that would increase the fuel efficiency standard for the first time in years, increase our use of clean, renewable fuels. They had a major accomplish-

ment in their grasp, so why not take "yes" for an answer?

Unfortunately, as on so many bills, they simply could not bring themselves to take the accomplishment without inserting an enormous tax hike—a tax hike that they knew would doom this legislation, that they knew would never be signed into law.

There should be absolutely no question about who or what is responsible for the failure of this bill. We have been very clear that the twin millstones of the utility rate increases—the RPS provision and the massive tax hikes—would sink the bill. There was no ambiguity about it whatsoever. The majority had a week to remove them, and they took a good step this week when they agreed to remove one of the millstones but, inexplicably, they made the other milestone—the tax hike—even bigger. If the twin millstones were removed, this important bill would pass Congress this week—would pass the Senate in 2 days—and be signed into law.

By voting for this bill as written, it is a vote for a bill that will not become law. Voting for this bill as written is a vote for a bill that will not become law. Worse than that, it is a vote to block the rest of the Energy bill. It is a vote to block historic increases in fuel economy and an increase in renewable fuels.

The majority seems determined to accomplish little this year, and they have helped ensure that with this bill. I believe it is time to quit playing games, get serious, and get rid of the veto bait so this legislation can become law.

Make no mistake, if cloture is invoked with this massive tax hike still attached, it will have killed this bill. The majority will have traded an accomplishment for a tax hike and a veto.

I strongly urge a vote against this \$22 billion tax hike by opposing cloture, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, my dear friend, the senior Senator from New Mexico, long time chair of the Budget Committee, long time chair of the Energy Committee—and I underline and underscore "my friend"—said a few minutes ago this bill was bad because President Bush doesn't want certain provisions in it, bad because President Bush doesn't want them.

We are the Congress of the United States. We can like things even though the President may not like them. That is our responsibility constitutionally. It is time for this Senate to vote as a third and equal branch of Government and do the right thing for one of the most pressing problems facing America and the world today—energy. "Bad because the President doesn't want them." That is a direct quote.

Without going into all the details, the fact that the President made the

worst foreign policy blunder in the history of the country by having Iraq invaded doesn't mean it is good.

The fact that the President vetoed children's health insurance, giving insurance to 10 million children instead of the 4.5 million children, if we are fortunate enough to extend the bill, doesn't make it good because the President doesn't like it.

Global warming, the President doesn't believe it exists and has refused to even acknowledge the words until a few days ago. Does that make it right? No, it doesn't.

The President believes in certain interrogation techniques involving torture. Does that make them right? No.

We, as a Congress, have to stand up and do what we think is right.

Mr. BYRD. Right.

Mr. REID. It is time to stop talking and putting America on a path to a cleaner, safer, and more affordable energy future. The Energy bill originally passed both the House and Senate with strong bipartisan majorities. Democrats and some Republicans agree we must pass this Energy bill for four main reasons: No. 1, we must take action that will help reduce the constantly rising price Americans pay for gasoline.

Mr. BYRD. Right.

Mr. REID. The last time I was in California, I saw one of the marquees, \$4 a gallon. In Nevada, everywhere is more than \$3 a gallon.

Mr. BYRD. Shame.

Mr. REID. No. 2, we must begin to break our country's addiction to oil. We are addicted to oil. Even President Bush said that. We will use 21 million barrels of oil today. Almost 70 percent of it we import from foreign countries and most are led by tyrannical rulers, despots.

No. 3, we must begin to reverse global warming. It is a crisis caused by our use of fossil fuel.

And No. 4, we must invest in renewable energy. Why? It is good for the environment, and it creates lots of jobs. In Nevada alone, the tax portions of this bill will create thousands of jobs and countless—tens of thousands, hundreds of thousands—jobs throughout America.

Last week, the Republican minority blocked this crucial bipartisan bill from passing. In order to ease these concerns, we have reluctantly removed the renewable electricity standard from the version of the bill now before us. The renewable electricity standard would have required, by the year 2020, 15 percent of our Nation's electricity come from renewable, environmentally sound sources.

That sounds pretty reasonable, 15 percent by the year 2020. We had to take it out. Taking this step would reduce carbon emissions from powerplants by 126 million tons, reduce the cost of natural gas and electricity bills by between \$13 billion and \$18 billion, and create good, new American jobs.

This is not the last we will hear of the renewable electricity standard. The

Senate has passed a similar bill before, and we will do it again. But in the spirit of compromise and in a genuine pursuit of progress, Democrats have reluctantly agreed to remove that important provision from the Energy bill. But that is not all.

We also compromised by making changes to the energy tax title to accommodate the Republican minority. I would have preferred to make these tax credits permanent, certainly longer than 2 years.

Unless my colleagues vote for this bill, they are not doing anything to help the production of electricity in our country by alternative means. They are doing nothing. The great entrepreneurial minds of our country need these tax credits. They need incentives to invest billions of dollars into renewable energy. They cannot do it without these tax credits. If they do not vote for this tax provision of this bill, they are doing nothing to change our addiction to oil. But this compromise will ensure that critical investments in clean and sustainable sources of energy will continue.

We have business people looking at new solar, wind, and geothermal projects, and they will be spurred to action if we help them make their investment worthwhile.

I hope we reach the 60-vote threshold and send this bill to the House and on to the President today. I hope many Republicans will recognize the importance of this bill for their States and their country.

The White House is objecting to our provision requiring major oil and gas companies to part with a few dollars—a few dollars—of their billions of dollars of tax breaks they are scheduled to receive over the next 10 years.

Let's be very clear. Our bill eliminates those tax breaks for these huge oil companies, international oil companies, an industry raking in record profits of half a trillion dollars in the last 6 years. Those are profits. We want to do our tax program so we can invest in clean energy.

Democrats and Republicans alike should agree that even without the renewable electricity standard, we have an energy bill that reduces energy costs, begin to break our addiction to oil, and reverse the threat of global warming. This is still an important, historic bill. I am very happy to support it and ask my colleagues from both sides of the aisle to hear the call of the American people for lower energy costs, less oil consumption and a cleaner environment and send this historic bill to the President.

I have been told there are Senators who have voted for our version of the bill—that is, CAFE and renewable fuels standard—who are considering voting against this bill because the President says he is going to veto this bill. That is not good enough. We have to flex our legislative muscles and do the right thing and not be stampeded because of 1600 Pennsylvania Avenue. Democrats

and Republicans have to heed that call. This could be the first step toward an energy revolution that starts in America and ripples throughout the world, but it can only start in the Senate today.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant journal clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid motion to concur in the House amendment to the Senate amendment to the text with an amendment, with reference to H.R. 6, Energy.

Jeff Bingaman, Barbara Boxer, Ben Nelson, Dick Durbin, Debbie Stabenow, Kent Conrad, Maria Cantwell, Ken Salazar, Tom Carper, Joe Lieberman, Daniel K. Akaka, Daniel K. Inouye, Robert P. Casey, Jr., Mark Pryor, Dianne Feinstein, B.A. Mikulski, Sherrod Brown, Jim Webb.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to concur with an amendment in the House amendment to the Senate amendment to the text of H.R. 6, the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The yeas and nays resulted—yeas 59, nays 40, as follows:

[Rollcall Vote No. 425 Leg.]

#### YEAS—59

Akaka	Feinstein	Murray
Baucus	Grassley	Nelson (FL)
Bayh	Harkin	Nelson (NE)
Biden	Hatch	Obama
Bingaman	Inouye	Pryor
Boxer	Johnson	Reed
Brown	Kennedy	Reid
Byrd	Kerry	Rockefeller
Cantwell	Klobuchar	Salazar
Cardin	Kohl	Sanders
Carper	Lautenberg	Schumer
Casey	Leahy	Smith
Clinton	Levin	Snowe
Coleman	Lieberman	Stabenow
Collins	Lincoln	Tester
Conrad	Lugar	Thune
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murkowski	

#### NAYS—40

Alexander	Corker	Hagel
Allard	Cornyn	Hutchinson
Barrasso	Craig	Inhofe
Bennett	Crapo	Isakson
Bond	DeMint	Kyl
Brownback	Dole	Landrieu
Bunning	Domenici	Lott
Burr	Ensign	Martinez
Chambliss	Enzi	McConnell
Coburn	Graham	Roberts
Cochran	Gregg	Sessions

Shelby  
Specter  
Stevens

Sununu  
Vitter  
Voinovich

Warner

NOT VOTING—1

McCain

The PRESIDING OFFICER (Mr. NELSON of Nebraska). On this vote, the yeas are 59, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, this was a good, hard-fought battle. I am disappointed we did not pick up one more vote, but I know how difficult it was for some of my Republican colleagues to vote the way they did, and I admire and appreciate that very much.

We are going to finish this bill today, if at all possible. What we would like to do is go back to the farm bill for a while, and as soon as we get the path forward on this bill, we will come back. My intention is to eliminate the tax title, and we would vote, then, on a piece of legislation that deals with CAFE and deals with renewable fuel.

Now, we, of course, really believe in the tax title, as I indicated in my speech before the vote, and hopefully we can work together to get that done. We all know we need to do renewable fuel, and really in a big way. I hope my friends on both sides of the aisle will work with us very early next year to get this done. It is extremely important.

But everyone should understand, as disappointed as I am and as disappointed as people throughout the country are, what we are going to wind up with is still historic—the first increase in fuel efficiency standards in 32 years. And we have increased them significantly. There has been a push from everybody to change various portions of what we have left, and there may be a little bit of tinkering with some of it but very little of it.

We are going to move forward as quickly as we can today to complete this legislation. If we have to file cloture on the rest of it, we will do that. If we do that, that will mean there will be a cloture vote on Saturday, just so everyone understands. Hopefully, this is the last weekend before we adjourn for the year, so I hope we don't have to do that. I hope we can have people working here together to maybe overcome some of the procedural hurdles we normally have to go through to move this legislation.

Also, we are going to finish the farm bill this week. Today is Thursday, tomorrow is Friday, and the next day is Saturday. We are going to finish the farm bill. I had a conversation earlier this morning with the Democratic

manager of the bill, I didn't have a chance to speak to the Republican manager, but we would like to have all voting completed tonight or early—sometime before noon—tomorrow. If that is the case, we have a number of other issues that are extremely important that we want to try to get a handle on before we leave. We need to take a look at the intelligence authorization bill. That is a conference report which has been completed. We also have to do the Defense authorization conference report. We need to complete that.

We have to take a hard look at FISA. It would be in the best interests of the Senate and this country if we could determine what the will of the Senate is on the domestic surveillance program. It expires on February 5. I hope prior to our coming back here in January that we have the Senate's position on that and we send it to the House before we leave here.

Then, finally, it is kind of a moving target, but the spending bill we are going to get from the House—I have spoken to the Republican leader today. We are going to figure a way to go forward on that when we get it from the House. It appears at this time we will get it sometime Tuesday—maybe Monday but probably Tuesday.

Then—there are no secrets here; I wish we could have a few more—we have to do the domestic spending, get that done. Also, as much as it pains me to say this, we have to do something about the supplemental appropriation for the President for the war in Iraq.

Those are the main issues we have. With the little bit of time we have, there are a number of holds we are trying to work our way through. I had a good conversation with Senator COBURN yesterday and he has indicated a willingness to let us move some of those. I hope that in fact is the case. As much as I disagree with Senator COBURN on so many things, I have found him to be an absolute gentleman and someone who is a man of his word. He has different beliefs than I do. He is entitled to those. He does it because it is a matter of principle. That is obvious. From all I know about him, it is not because of political purposes but because it is something he believes in. I came to learn a long time ago that other people's beliefs are as important as mine.

That is the track forward.

#### FARM, NUTRITION, AND BIOENERGY ACT OF 2007—Continued

Mr. REID. I ask unanimous consent we now move back to the farm bill.

The PRESIDING OFFICER. The farm bill is now pending.

The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, let me join the leader indicating there is no reason we should not and we will pass the Energy bill today. Now that it is clear it is not going to be a bill to raise taxes and drive up the price of

fuel at the pump, I think there is broad bipartisan support for this bill. This is the way the Senate ought to function, coming together behind those things that are achievable.

The bill, with the changes the majority leader has indicated we are going to make, could be signed by the President and it will be something we could all be proud of.

We also intend to finish the farm bill as rapidly as possible, so I share his goals for today, and tomorrow if need be. I think we should move forward with the farm bill and finish it.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, before the Senator from Nevada leaves, I wish to note first I was very pleased to accept your definition of our relationship—good friends. We are friends. I thank you for that and I want to say that now.

I do want to say to you about the bill we have had a long fight about, and we just finished about as difficult a vote as we have had in a long time, that the bill you are going to send back to the House, this bill up here, with a few alterations and the taxes out, this bill, I guarantee, will get signed and it will become law. It will be the most significant act we can take to reduce our dependence on foreign oil, all by itself. It will get passed, now that we are finished with the hurdles, and you will be the one who will be leading it through the remainder of its journeys and you will be there when, indeed, it becomes the law of the land. It will be the most significant energy act we can do.

It was done by the Committee on Commerce, led by Senator INOUE and Senator STEVENS. Because they know how to work, they passed it when we could not pass it for years. Now it is ready to go. It is not dead. The vote caused it to stay alive and go down its way to the President for his signature.

I think the Senator's accomplishments in this regard are to be commended. We are going to get a great bill and you will be part of it. I am sorry it is not exactly what you want, and you can rest assured there will be some of us helping you and helping the other side when it comes to the incentives you spoke of in your remarks. Some of us think they are important. We just don't think they belong on this bill and they do not deserve a veto.

I thank the Senator for his kindness as we work this through. I hope we can make a couple of changes that Senator INOUE thinks are important before the bill is sent to the House.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, my heart is heavy, and I say that seriously, recognizing next year at this time Senator DOMENICI will be in the last few days of his 36-year service in the Congress of the United States. During 25 years of that, I have worked with him. My next year will be 26 years. As partisan as he

is and as partisan as I am, we have worked toward meeting the demands of the State of Nevada, heavily involved in the defense of this country for decades, as is the State of New Mexico. In the process of our working together, we have helped the country. The safety and reliability of our nuclear stockpile as it exists today is a result—and I say this in no way to boast but to be factual—of what Senator INOUE and Senator DOMENICI and I put into effect as members of the Energy and Water Subcommittee on Appropriations. We do not need to dwell on this longer than to say his dedicated service to the country is something I recognize, the people of New Mexico and of our country will recognize for many years to come.

Mr. DOMENICI. I thank the Senator. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, this last vote was a historic vote for America. This was a decision about whether we were going to look to the future to change to an energy policy and an environmental policy consistent with America's best interests. Pitted in that vote were the oil companies, the energy companies of years gone by, and those energy sources for our future. The energy companies of years gone by prevailed.

The irony is that the Republicans, Senator MCCONNELL and others, have stood steadfast in protecting the subsidies for the oil companies of America. That is a time-honored tradition in the Senate. Whether you agree with it or not, the Senate, by and large, has been very kind to the oil companies and the oil industry throughout our history. We couldn't have seen a vote they would have been happier with than the last one, because in the last one, the last vote, we suggested that subsidies for oil companies should give way to tax incentives for new sources of energy, sources of energy that are clean, renewable, sustainable, and that vote failed by one vote.

Isn't it ironic, at a time when oil companies in America have enjoyed the highest profit margins in their history, that the Republican argument is we must continue the tax subsidies for those oil companies? Isn't it ironic, at a time when Americans are paying higher and higher prices at the pump for gasoline, while oil companies have the highest profits in their histories, the Republicans argue we should not penalize these oil companies in any way or they will take it out on the consumers? It is a craven political position. It is a position which is devoid of leadership. It is a position which looks to the past instead of to the future.

The future suggests these oil companies should be held accountable like